

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

Criminal No. 07-cr-99-01-SM

Richard Alphanso Tomlinson

ORDER OF DETENTION PENDING SENTENCING

In accordance with Section 3143 of the Bail Reform Act, 18 U.S.C. §§ 3141 et seq., a judicial officer shall order that a person who has been found guilty of an offense and who is awaiting imposition or execution of sentence be detained unless the judicial officer finds by clear and convincing evidence that the person is not likely to flee or pose a danger to any other person or the community if released under section 3142(b) or (c) of Title 18. Sentencing is set for April 19, 2010.

Here, I find that the defendant Richard Alphanso Tomlinson has failed to produce sufficient evidence or information for me to find by clear and convincing evidence that he is not likely to flee. Notwithstanding the detailed proffer made by the defense during today's hearing, the defendant's immigration status and expected deportation, as well as his close family ties to Jamaica, his native land, lead me to conclude that the defendant has not shown by clear and convincing evidence that

he is not likely to flee. Therefore, upon full consideration of the arguments offered by the government and defense, I find that Richard Alphanso Tomlison poses a risk of flight if released pending sentence.

Accordingly, it is **ORDERED** that the defendant be detained pending sentencing.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.



Justo Arenas
United States Magistrate Judge

Date: January 27, 2010

cc: Bjorn Lange, Esq.
Mark Irish, Esq.
U.S. Marshal
U.S. Probation